

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Respondent/Plaintiff,

v.

CV 10-0452 WJ/WPL  
CR 09-0057 WJ

CARLOS FRANCISCO RODRIGUEZ,

Movant/Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND  
RECOMMENDED DISPOSITION**

On July 16, 2010, the magistrate judge filed Proposed Findings and Recommended Disposition (PFRD) in this matter, recommending that relief under 28 U.S.C. § 2255 be denied and that a certificate of appealability not be issued. (Doc. 7).<sup>1</sup> Although Mr. Rodriguez is represented by counsel, the magistrate judge directed the Clerk of Court to mail Mr. Rodriguez a copy of the PFRD and allowed him to file *pro se* objections to the PFRD within the time allotted for doing so. The PFRD advised him that objections were due within fourteen days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. More than a month has passed since the filing of the PFRD, and the only document the Court has received from Mr. Rodriguez is a letter addressed to Judge Lynch. (Doc. 9.) Having considered the letter and having conducted a *de novo* review of the record, the Court finds no reason to reject the magistrate judge's recommendations.

IT IS THEREFORE ORDERED that:

1) the Magistrate Judge's Proposed Findings and Recommended Disposition are adopted by

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<sup>1</sup> Docket number references are to CV 10-0452 WJ/WPL.

the Court;

2) relief under 28 U.S.C. § 2255 is denied, and the civil action will be dismissed with prejudice;

3) a certificate of appealability is denied; and

4) the Clerk of Court shall mail a copy of this order to Mr. Rodriguez's address of record.

  
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WILLIAM P. JOHNSON  
UNITED STATES DISTRICT JUDGE